

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

RICKY FITZGERALD HATHORN

PLAINTIFF

V.

CIVIL ACTION NO. 4:11-cv-00129-CWR-FKB

JIMMY REED, ET AL.

DEFENDANTS

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This cause comes before the Court *sua sponte* to recommend dismissal of this cause of action because of Plaintiff's failure to prosecute his claims. Natural Gas Pipeline Co. v. Energy Gathering, Inc., 2 F.3d 1397, 1407 (5th Cir. 1993). Plaintiff has failed to respond to a Show Cause Order this Court entered January 13, 2012 (Docket No. 14). Furthermore, in its orders, this Court has warned Plaintiff that he must keep the Court informed of his current address. See Docket Nos. 3, 7. In spite of these warnings, two orders of this Court have been returned to the Clerk of Court marked "Return Not @ this address," indicating that the plaintiff is no longer located at his address as listed in the Court's records. See Docket Nos. 9, 10, and 11. By failing to respond to the Order to Show Cause entered January 13, 2012, and by failing to keep the Court informed of his current address, Hathorn has failed to prosecute this case. For these reasons, the undersigned recommends that Plaintiff's claims be dismissed without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636, Douglass v. United Services

Automobile Association, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 10th day of February, 2012.

s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE